

“cannot constitute an extraordinary and compelling reason justifying sentence reduction under § 3582(c)(1).” *United States v. Austin*, 125 F.4th 688, 693 (5th Cir. 2025); *see also United States v. Escajeda*, 58 F.4th 184, 187 (5th Cir. 2023) (holding “a prisoner cannot use § 3582(c) to challenge the legality or the duration of his sentence.”). It is unquestionable that such precedent is controlling upon courts within this circuit.¹ Defendant’s objections are unavailing because *Austin* and *Escajeda* preclude the Court’s consideration of non-retroactive changes in the law when assessing a compassionate-release motion. *See Austin*, 125 F.4th at 692. The Court has reviewed the remainder of the R&R for clear errors and finds none. *See Wilson*, 864 F.2d at 1221 (explaining any portions of an R&R that are not objected to are reviewed for clear error).

Accordingly, the Court **ADOPTS** the Magistrate Judge’s R&R (Dkt. No. 245) and, for the reasons set forth therein, Defendant’s Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (Dkt. No. 231) is **DENIED**.

It is so **ORDERED**.

SIGNED this 17 day of June, 2025.



ORLANDO L. GARCIA
United States District Judge

¹ *See United States v. Lourde*, No. 1:18-CR-80(1), 2025 WL 1483451, at *5 (E.D. Tex. May 21, 2025) (citing *Austin* and *Escajeda* as “controlling precedent [that] precludes the court’s consideration of non-retroactive changes in *any* law”); *United States v. Perez*, No. 4:06-CR-00315-1, 2025 WL 1594281, at *6 (E.D. Tex. June 5, 2025) (“Fifth Circuit precedent precludes considering non-retroactive changes in *any* law.” (citing *Austin*, 125 F.4th at 693)).